

MINUTES
ZONING ADVISORY COMMISSION
REGULAR SESSION

Wednesday, December 1, 2010

6:00 p.m.

City Council Chamber
350 W. 6th Street, Dubuque, Iowa

PRESENT: Chairperson Jeff Stiles; Commissioners Ron Smith, Stephen Hardie, Martha Christ, Patrick Norton, Charles Miller and Tom Henschel; Staff Members Kyle Kritz and Guy Hemenway.

ABSENT: None.

CALL TO ORDER: The meeting was called to order at 6:00 p.m.

AFFIDAVIT OF COMPLIANCE: Staff presented an Affidavit of Compliance verifying that the meeting was being held in compliance with the Iowa Open Meetings Law.

MINUTES: The minutes of the November 3, 2010 meeting were approved, unanimously, as submitted.

ACTION ITEM PLAT OF SURVEY: Application of Ken Kress, WMK Investment Properties for approval of the Plat of Survey of Wild Rose Place located on Wild Rose Lane south of Middle Road.

Steve Wieland, 13819 Wild Rose Lane, introduced Ken Kress of WMK Investment Properties. He said that the plat represents the final acquisition of land which will enable him to complete the subdivision plat. He said that he is in the process of selling his land to the corporation.

Staff Member Kritz outlined the history of the plat. He noted that Lot 1 and Lot 2 only have 33 feet of frontage and, therefore, the City requirement of a minimum of 50 feet of frontage must be waived. He said that the 33-foot portion of the lots will serve as the future roadway access for the subdivision; therefore, staff recommended approval.

The Commission discussed the request and felt that it is appropriate.

Motion by Hardie, seconded by Christ, to approve the Plat of Survey of Wild Rose Place subject to waiving the lot frontage requirements for Lot 1 and Lot 2. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of Chuck Goddard, Dubuque Metropolitan Area Solid Waste Agency (DMASWA), to rezone landfill property located on Highway 20 west, in conjunction with annexation, from County A-1 Agricultural District, County R-1 Rural Residential District and City AG Agricultural District to City HI Heavy Industrial District, with conditions.

Don Vogt, 2798 Shetland Court, said that he is the City of Dubuque Public Works Director and that he provides staff support to the landfill agency, along with Chuck Goddard. He discussed the landfill and solid waste agency's history, noting that it was a joint agency governed by both the City and the County. He discussed the landfill agency's role and noted that landfills in the State of Iowa are consolidating. He said that the request is for the DMASWA to annex a portion of its property to the City of Dubuque and to rezone. He discussed the proposed land use plan for the landfill noting that there will be an agricultural buffer on the fringe of the property. He said that he is requesting to rezone the balance of the property.

Staff Member Kritz read a letter submitted by Mr. James McFarlane, adjacent property owner, in opposition to the proposed rezoning. Staff Member Kritz addressed the concerns raised by the letter regarding the City's role in promoting recycling and reducing the waste stream. He noted that property values in the immediate vicinity likely would not suffer as new subdivisions currently are being built in the area adjacent to the landfill.

Don Vogt responded to Mr. McFarlane's letter, noting that the joint City/County facility also provides service to Delaware County. He discussed the myriad of landfill regulations and the periodic regional comprehensive solid waste plans developed by DMASWA.

Staff Member Kritz reiterated the request, discussing the landfill annexation and zoning history. He noted the acreage to be rezoned, and stated that the permitted and conditional uses will be limited. He discussed the proposed buffer around the area of the landfill expansion.

Chairperson Stiles commended the City of Dubuque and the DMASWA for their continued recycling and sustainability efforts. He noted that much planning has been involved in the facility.

Commissioner Miller complimented the landfill agency for reducing the waste steam and encouraging recycling efforts.

The Commission felt the request is appropriate.

Motion by Henschel, seconded by Christ, to approve the DMASWA rezoning request. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\REZONING: Application of the City of Dubuque to rezone property located at 6900, 6950 & 7000 Pennsylvania Avenue, from AG Agricultural District to PUD Planned Unit Development with a PI Planned Industrial District designation.

Staff Member Kritz spoke representing the City of Dubuque as the applicant. He discussed the Dubuque Industrial Center West's history, noting that the property has been acquired by the City. He also noted that the parcels will be incorporated into the Industrial Park. He said staff is requesting that the zoning be changed to Planned Unit Development with a PI Planned Industrial District. He asked that the Commission approve incorporation of these three lots into the City's current industrial center PUD.

The Commission felt that the request is appropriate.

Motion by Henschel, seconded by Miller, to approve the rezoning request. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

PUBLIC HEARING\TEXT AMENDMENT: Application of the City of Dubuque to amend Article 2.3 Definitions and Article 5-19.1 HI Heavy Industrial District to modify regulation of Resource Recovery/Recycling Centers.

Staff Member Kritz reviewed the request noting that resource recovery and recycling centers are a newly listed use in the Unified Development Code. He noted that these activities would be allowed outdoors in the Heavy Industrial district, but not in other districts. He said that some of the city's heavy industrial zoning districts are located in close proximity to riverfront areas, residential neighborhoods and the bluff. He said that requiring the resource recovery and recycling centers to be indoors would help to reduce noise, dust and odors often associated with these types of facilities. He said that it is easier to contain the potential negative impacts up front that it is to regulate after the fact with the use of the nuisance ordinance.

The Commission felt that this was a reasonable request.

Motion by Christ, seconded by Hardie, to approve the requested text amendment. Motion carried by the following vote: Aye – Smith, Hardie, Christ, Norton, Miller, Henschel and Stiles; Nay – None.

ADJOURNMENT: The meeting adjourned at 6:30 p.m.

Respectfully submitted,



Kyle L. Kritz, Associate Planner

Adopted—January 5, 2011